Previous references.

File No. 209
1904-05

1905

(III Prisons)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

PART B FOR February

SUBJECT.

Addendum to Article 120 of the Mysore Jail Manual and Rule 36 of the Lock-up Rules.

FILE No. 20 of 1904-05.

um to Article 120 of the Mysore Jail Manual and to Rule 36 of the Lock-up Rul
e matter of legal advisers and friends seeking interviews with under-trial prisoners

he Inspector General of Prisons in Mysore, letter No. 936—J., dated the 7t
mber 1904.
quests sanction to the following addendum to Article 120 of the Mysore Ja
Manual and to Rule 36 of the Lock-up Rules proposed by him, as such a
ddition is necessary in the interests of the under-trial prisoners:—
" such communications or conversations are of a confidential nature, the guar
hall stand sufficiently far off to all such communications to be made, but not s
ar off as to prevent his securing the safe custody of the prisoner."
Inspector General of Prisons in Mysore.
District Magistrates.
Superintendent of the Government Press.
nent Proceedings No. J. 2370-79—Pris. 20-2, dated 18th February 1905.
ects the amendment of Article 120 of the Mysore Jail Manual and Rule 36 o
he Lock-up Rules as below:—

ERAL AND REVENUE SECRETARIAT.

(Prisons)

NOTES.

File No. 20 of 1904-0

FILE HEADING.

dendum to article 120 of the Mysore Jail Manual and to Rule
the Lock up Rules.

rom

The Inspector General of Prisons in Mysore.

No. 936-J Dated 7-9-04 Received 9-9-04

iary No. J 580 | Enclos. - Spare Copies. - | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction to the addendum proposed by him to Rule 120 of the Mysore Jail Manual and to Rule 36 of the Lockup Rules in re the legal advisers & friends seeking interviews with under-trial prisoners.

NOTES AND ORDERS.

Subd with a draft order sanctioning the addendum proposed.

SN 16-9-04 RN 18-9-04

Please put up the Madras Rules on the subject

Submitted.

6-9-04

Rules on the subject of interviews with prisoners

NOTES—Files sheet.

MGCPB—5,000—15-5-04

ieral and Revenue Secretariat.

File No. 20 of 1906-05

Serial No.

is only one such I have put up with file No. 21 of 1904-05.
SN 17/9

Please ~~see~~ see Rules 555 to 567 of the New Edition of the Madras Jail Manual (Pages 133 & 134) and as regards interviews with undertrials, please see rules 942 to 945 of the same Edition (page 195).

SN 17-9-04 MR 17-9-04

2 The existing provision in the Jail Manual & the lock-up Rules is that the under-trial prisoners 'shall have all reasonable facilities for communicating (or conversing) with their friends and legal advisers'. Section 43 of the Prisons Act (p. 199 of the Mysore Code) has reference to this subject. There is no provision in either as to any relaxation of restrictions in favor of confidential communications. In Madras, the rule is that under-trial prisoners shall, so far as is consistent with the interests of justice, be allowed to see their duly qualified legal advisers without the presence of any other person, the time & place to be regulated by the Superintendent so as to interfere as little as

nerai and Revenue Secretariat.

File No. 9 of 190 4-5

Serial No.

possible with the discipline and ge
routine of the Jail. The rule propo
Dr. Smyth is much wider. It applies
tial communications with friends and
legal advisers, and in it there is the absence
of the important clause "so far as is consistent
with the interests of justice". The Inspector-General's
attention may be invited to the Madras rule.

17.9.04

Submitted to the Dewan Saheb
thro the 2nd Councillor. Instead
of prolonging the correspondence
I am of humble opinion that the
proposal ~~[illegible]~~ may be ~~followed~~ sanctioned.

20/9/1904

54
20.9.04. "The addendum mu
be worded as follows
× × and so far as is
consistent with the
interests of justice the
sh. o & l. ll. , t.

erai and Revenue Secretariat.

File No. 21 of 1904-15

Serial No.

their friends for the bona fide purpose of providing bail, or otherwise qualified legal advisers without the presence of any other person." His legislative branch may be consulted on the point. By adopting the clause we will be following the under-mentioned Rules 942 & 943 on the subject.

S. Muthu
22/9/04

To Sri Narasimha Rao
for kindly noting his opinion as required above before submission to the Dewan Saheb
24. 9. 1904

, our rules, as they stand, are more liberal than the Madras ones which impose two limitations: 1st ly, the interviews with friends should appear to be limited to the bona fide purpose

Serial No.

of bail; and Secondly, the interviews are, as a general rule, limited to every Friday in a week.

7 Rule 120 of our Jail Manual, on the Contrary, prescribes that the under trial prisoners "Shall have all reasonable facilities for communicating with their friends and legal advisers".

8 This rule is in a somewhat different shape embodied as Rule 36 in the Lockup Rules which provide that under trial prisoners "Shall have all reasonable facilities for conversing with their friends and legal advisers".

9 The two provisions are identical in their scope & nature as regards the privileges conceded to the under trial prisoners.

10 I respectfully venture to suggest that the Madras Rules 942 & 943 cannot be now followed by us without making a backward move involving the curtailment of the recognised privileges of the under-trial

G.R.S. 12]

General and Revenue Secretariat.

File No. 20 of 1904-05

Serial No.

prisoners.

11 In these circumstances, the amendment proposed by the I. G. of Prisons is ~~[illegible]~~ not inconsistent with the Standing rules; but the necessity therefor is not obvious since the amendment proposed is limited to such details of ~~jail~~ prison discipline and management as may be legally regulated by competent jail or lock-up officers. Further, the proposed rule may be even productive of inconvenience in certain cases.

Draw 11/10

Recd 4.10.04.

Seen) To the 2nd Counsellor & 24.10.1904

Dwee arasuy Nair 30/9

12 The existing rule admits of a broader interpretation whereas the proposed amendment is more specific. The latter is more apt.

Draft for plain the case.

8.10.1904

To Dewan

To Council — 13 — 26/10/04

Whether the new rule be in addition or alternative

To the Registrar

Manual in 4th

Extract from the Proceedings of the Meeting of the Council of His Highness the Maharaja, held at on the 190

---

x x

VI. 14 Subject. - (Clause ii of Schedule.)

Whether it is necessary to amend article 120 of the Mysore Jail Manual and Rule 36 of the Lock-up Rules as proposed.

Opinions of the Dewan and Councillors.

15 In Rule 120 of the Jail Manual and in Rule 36 of the Lock-up Rules, the words "and legal advisers may be omitted and in both, Rule 943 of the Madras Jail Manual may be inserted, altering the words "Prisoners under trial" into "They". The rules thus altered will be as follows and may be sanctioned :-

Jail Manual.- "120. They shall have all reasonable "facilities for communicating with their "friends. They shall also have all reasonable "facilities for communicating with their "legal advisers, and so far as is consistent "with the interests of justice, such prison-"-ers shall be allowed to see their duly-"qualified legal adviserswithout the pre-"sence of any other person; the time and "place to be regulated by the Superintendent "so as to interfere as little as possible "with the discipline and general routine "of the jail."

Lock-up Rules.- "36. Under-trial prisoners shall be "subject to no further restraint than is "necessary to their safe custody. They must, "however, conform themselves to the Rules "of the Lock-up and for insubordination,

"will be liable to punishment. They are required to
"be clean in clothing and person. They shall have all
"reasonable facilities for conversing with their friends.
"They shall also have all reasonable facilities
"for communicating with their legal advisers, and so far
"as is consistent with the interests of justice, such
"prisoners shall be allowed to see their duly-qualified
"legal advisers without the presence of any other person,
"the time and place to be regulated by the Superintendent
"so as to interfere as little as possible with the discipline
"and general routine of the jail."

Signed. P. N. Krishna Murti

Dewan of Mysore.

"E x t r a c t"

Secretary.

Submitted to His Highness.

16 The amendment of Article 120 of the Mysore Jail Manual and Rule 36 of the Lock-up Rules may, as proposed by the Council, be sanctioned. The insertion of Madras Rule 943 will help to make the meaning clearer.

7.II.03

Record of Case submitted for the orders
of His Highness the Maharaja.

DATE 8.2.05
NO. 584.

Subject.

Amendment of article 120 of the Mysore Ja

Manual and Rule 36 of the Lock-up Rules.

557
16.2.05

Order.

17 Approved

~~KRW~~
10/2/05 18 Ordinary

G.R.S. 12]

General and Revenue Secretariat.

File No. 20 of 1904-05

Serial No.

Subt with a draft order
SW 17/2/05
Secy
Passed
17.2.1905

To

2 The Dy of Prisons, in Mysore.
The District Magistrates.
The Supt., Govt. Press.

Govt Pro: no. 2370-79/Pris 20-2, dated 18.2.0
Directs the amendment of article 120 of the Mysore gaol manual, and rule 36 of the Lock-up rules; and requests the Supt of the Govt press to print 200 copies of the rules in question on small slips & forward 180 of them to the Dy of Prisons & 20 to the Genl. Rev: Secretariat.

Office of the Inspr. Genl. of Prisons in Mysore

Dated Bangalore, 7th September 1904.

From

Lt.-Colonel J.Smyth M.D., I.M.S.,

Offg. Inspector General of Prisons in Mysore,

Bangalore.

To

B.K.Venkatavarada Iyengar Esqr.

Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments, Bangalore

Sir,

I have the honor to request that you will be so good as to obtain early sanction of Government, for the following addendum Article 120 of the Mysore Jail Manual and to Rule 36 of the Lock up Rules as such an addition in my opinion seems very necessary in the matter of legal advisers and friends seeking interviews with under-trial prisoners, in whose defence, the former are interested.

2. The Superintendent of Government Printing may be kindly instructed that 200 copies of the addendum in question may be struck off and supplied to this Office for distribution among Superintendents of Jails and Lock-up Officers, through District Magistrates.

ADDENDUM.

"If such communications or conversations are of a confidential nature, the guard shall stand sufficiently far off to enable all such communications to be made, but not so far off as to prevent his securing the safe custody of the prisoner".

I have the honor to be,

Sir,

Your most obedient servant,

DS 80.

1904. File No. 20-25-0

S. No. 1.

FROM

The Insp.r-Genl. of Prisons in Mysore.

To

The Secy. to the Govt. of Mysore - Genl. & Rev. Depts. Bangalore.

Dated 7th September 1904.

Despatched 8 "

Received

General No. 936

No. J

Enclosure No.

Requests to obtain early sanction of Govt. to a certain addendum to article 120 of the Mysore Jail Manual and to Rule 36 of the Lock-up Rules in re. legal advisers & friends visit under-trial prisoners while in Lock-ups.

G.R.S. 28]

Prisons

File No. 20

Serial No. 2

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(Prisons

, the 18/8/ 1905

Date of issue 18/8/05

Signed by Mr. K. S. Chandra Sekhara Aiyar

READ.—

Letter No. 936 dated the 7th September 1904, from the Inspector General of ~~Pol~~ Prisons in Mysore, requesting sanction to the addendum proposed by him to Rule 120 of the Mysore Jail Manual and to Rule 36 of the Lock up Rules in the matter of ~~the~~ interviews with ~~the~~ under-trial convicts by their legal advisers and friends.

~~ORDER THEREON. No.~~

SUBJECT

Order thereon No. 23370-9
Pro: 20-2

The existing provision in the Jail Manual and the Lock up Rules on the subject of undertrial prisoners having interviews with their friends or legal advisers, not being sufficiently ~~clear~~ explicit, Govt are pleased to direct that the following be substituted ~~that the~~ of Rule 120 of the Jail Manual and Rule 36 of the Lock up Rules: ~~the words "and legal advisers" be omitted, and in both the Rules 143 of the Madras Jail Manual be omitted, altering the words "Prisoners under-trial" and "Jail" into "Lockup" into "They" The Rules thus altered will read as follows:—~~

the office in charge of the Lockup" and "Jail" into "Lockup" in Rule 36 of the Lockup Rules

Rule 120 of the Mysore Jail Manual.—

"They shall have all reasonable facilities for communicating with their friends. They ~~also~~ shall also have all reasonable ~~fac~~ facilities for communicating with their legal

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

advisers, and so far as is consistent with the interests of justice, such prisoners shall be allowed to see their duly qualified legal advisers without the presence of any other person; the time and place to be regulated by the Superintendent so as to interfere as little as possible with the discipline and general routine of the jail".

~~Lock~~. Rule 36 of the Lockup Rules

"Undertrial prisoners shall be subject to no further restraint than is necessary to their safe custody. They must however conform themselves to the Rules of the Lockup and, for insubordination, will be liable to punishment. They are required to be clean in clothing and person. They shall have all reasonable facilities for conversing with their friends. They shall also have all reasonable facilities for communicating with their legal

advisers, and so far as is consistent with the interests of justice, such prisoners shall be allowed to see their duly qualified legal advisers without the presence of any other person; the time and place to be regulated by the officer in charge of the lock up so as to interfere as little as possible with the discipline and general routine of the ~~Jail~~ lock up."

"Superintendent" is the word which appears in Council Resolution

2. The Supt. of the Govt Press is requested to cause 200 copies of the rules in question to be printed on small slips and sent to the office of the Inspector General of Prisons, ~~ten~~ 20 such copies being sent to the Judl + Legislative Branch of the General + Rev. Secrts.

17.2.1905

Print 17/2/05 Secretary

To
The Inspector General of Prisons in Mysore
" Dy. Magistrates
" Supt. Govt Press

SN 17/2/05

Copied 18/2/05
Examined. SN 18/2/05